

Message Text

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ACTION EA-14

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INFO AMEMBASSY KUALA LUMPUR

AMCONSUL MEDAN

AMCONSUL SURABAYA

CINCPAC

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E.O. 11652: N/A

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SUBJECT: DEBATE OVER INDONESIAN MARRIAGE LAW HEATS UP

CINCPAC FOR POLAD

1. SUMMARY: MAJOR DEBATE IS UNDERWAY OVER GOVERNMENT'S PROPOSAL TO ENACT NEW MARRIAGE LAW, WHICH, AS IN PAST, IS BITTERLY OPPOSED BY FERVENT MOSLEMS. BILL IS FAVORED BY MAJORITY OF NON-MOSLEMS, NOMINAL MOSLEMS AND WOMEN, AND FOR FIRST TIME IN INDONESIAN HISTORY GOVERNMENT HAS THE POWER TO ENACT IT OVER MOSLEM OPPOSITION. DANGER REMAINS THAT RELIGIOUS TENSIONS WILL BE BADLY EXACERBATED IN THE PROCESS. END SUMMARY

2. MAJOR DOMESTIC POLITICAL DEBATE IS AGAIN UNDERWAY OVER GOVERNMENT'S DETERMINATION TO ENACT MARRIAGE LAW BINDING ON ALL INDONESIANS. IN HIS RECENT INDEPENDENCE DAY ADDRESS, PRESIDENT SUHARTO URGED THAT THIS LAW SHOULD BE ENACTED DURING THE CURRENT SESSION OF PARLIAMENT WHICH TERMINATES IN OCTOBER. SINCE THE 1950'S SIMILAR BILLS HAVE BEEN SUPPORTED BY CHRISTIANS, OTHER NON-MOSLEMS, AND MODERNIST

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WOMENS' GROUPS, BUT HAVE ALWAYS FOUNDERED ON

ROCK OF BITTER OPPOSITION FROM MALE MOSLEM
POLITICAL AND RELIGIOUS LEADERS.

3. INDONESIA IS ONE OF THE FEW COUNTRIES IN THE
WORLD WHICH UP TO NOW LACKS A CIVIL MARRIAGE CODE.
CRITICS HAVE LONG ARGUED THAT EXISTING ISLAMIC LAW
(BINDING ON VAST MAJORITY WHO ARE AT LEAST NOMINAL
MOSLEMS) ALLOWS NUMEROUS ABUSES. THEY CITE INADEQUATE
PROTECTION OF WOMEN, FORCED MARRIAGE OF UNDERAGE
PARTNERS, LACK OF LEGAL CONDITIONS REGULATING
POLYGAMY, AND ABOVE ALL NOTORIOUS EASE OF DIVORCE.
INDONESIA HAS ONE OF HIGHEST DIVORCE RATES IN THE
WORLD, AND CURRENT LAW OFFERS VIRTUALLY NO PROTECTION
FOR MOSLEM WIDOWS, DIVORCEES OR OFFSPRING OF BROKEN MARRIAGES.
NEW BILL INCLUDES CLAUSES ADDRESSING MOST OF THESE
PROBLEMS. IT WOULD RESTRICT BUT NOT ELIMINATE
POLYGAMY BY REQUIRING CONSENT OF BOTH SPOUSES, ETC.

4. UNFORTUNATELY FERVENT MOSLEMS HAVE LONG REGARDED
ANY ATTEMPT TO CHANGE EXISTING SYSTEM AS FRONTAL
ATTACK ON ISLAM ITSELF. THEIR PARANOIA HAS BEEN
THOROUGHLY AROUSED BY FACT THAT NOMINAL MOSLEM
"ABANGAN" ELEMENT WHICH OPPOSES THEM ON SUCH
ISSUES IS NOW FIRMLY IN CONTROL OF ARMY AND
GOVERNMENT AND WILL UNQUESTIONABLY BE ABLE TO
ENACT MARRIAGE LAW OVER THEIR PROTESTS. IN
RECENT DAYS MOSLEM LEADERS IN PARLIAMENT HAVE
CLAIMED THAT BILL VIOLATES TENETS OF ISLAM ON
AT LEAST ELEVEN POINTS. AS EXAMPLE THEY CITE
PROVISION THAT DIFFERENCES OF FAITH SHALL BE NO
BAR TO MARRIAGE, POINTING OUT THAT KORAN FORBIDS
MOSLEM WOMEN TO MARRY NON-MOSLEM MEN. (AS IN
THIS CASE, CRITICS TEND TO ASSUME THAT BECAUSE
PROPOSED LAW ALLOWS SOME PRACTICES WHICH ARE CONTRARY
TO ISLAM, IT ALSO ENCOURAGES THEM. THEY INSIST
THAT CIVIL CODE SHOULD RESTATE THAT ISLAMIC DOCTRINE
IS BINDING ON ALL MOSLEMS.)

5. ISLAMIC PARTY REPRESENTATIVE JUSUF HASJIM, WHO SPEAKS
FOR POWERFUL CONSERVATIVE NAHDATUL ULAMA (NU)
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GROUP, GOLD PRESS THAT PROPOSED LAW CONFLICTS
WITH PANCASILA AND GUARANTEE OF RELIGIOUS FREEDOM
IN CONSTITUTION AND SAID THAT DEFENSE OF BILL BY
GOVERNMENT PARTY (GOLKAR) WHIP SOEGIHARTO PARALLELED
ARGUMENTS USED BY COMMUNISTS IN THE PAST. MOSLEM
PAPER ABADI HAS CHARGED THAT BILL IS FRUITION
OF ANTI-RELIGIOUS FEELING ON PART OF GOLKAR (DOMINATED
BY CHRISTIAN "MODERNIZERS") AND ARMED FORCES.

LEADING ISLAMIC JURIST HAS ARGUED THAT CLAUSE
ALLOWING INTERFAITH MARRIAGE CONSTITUTES
GOVERNMENT ENCOURAGEMENT TO "CREEPING CHRISTIANIZATION."
OTHERS CLAIM THAT BILL WILL COMPLETELY SECULARIZE
INSTITUTION OF MARRIAGE, LEAVING NO ROLE FOR
RELIGIOUS AUTHORITIES.

6. IN EFFORT TO REDUCE GROWING POLEMICS, DEPUTY
CHAIRMAN OF PARLIAMENT DOMO PRANOTO TOLD PRESS ON
AUGUST 18 THAT CRITICS SHOULD HOLD THEIR FIRE UNTIL
GOVERNMENT BEGINS FORMAL DEBATE WITH EXPLANATION OF
BILL, SCHEDULED FOR SEPTEMBER. PRANOTO (WHO IS
POLICE GENERAL) REFUSED TO SAY WHAT POSITION ARMED
FORCES FACTION IN PARLIAMENT WOULD TAKE ON BILL.

7. COMMENT: CRITICS HAVE MADE AT LEAST ONE VALID
POINT - THAT GOVERNMENT COULD HAVE PICKED BETTER
TIME TO LAUNCH THIS HIGHLY DIVISIVE ISSUE IN VIEW
OF RECENT BANDUNG RIOTS. FACT THAT MRS. SUHARTO
STRONGLY FAVORS
THE MARRIAGE LAW MAY HAVE SOMETHING
TO DO WITH THIS. IN EVALUATING HOWLS OF RAGE FROM
MOSLEMS, IT MUST BE KEPT IN MIND THAT ISLAMIC
COMMUNITY IS ITSELF BADLY DIVIDED ON THIS ISSUE,
ALTHOUGH MODERNISTS AND WOMEN WHO FAVOR MARRIAGE
REFORM MAY BE COWED INTO SILENCE BY MALES AND
POLITICIANS OF YORE. MANY MOSLEMS ARE CONVINCED
THAT GOI IS IN HANDS OF INFIDEL-LINING, CHINESE-LOVING
MILITARY, AND SEE THIS ISSUE AS SYMBOLIC OF
ISLAMIC GRIEVANCES IN GENERAL. DANGER REMAINS
THAT IF GOVERNMENT PUSHES TOO HARD, AS IT SEEMS
TO BE DOING, IT MAY EXACERBATE ALREADY SERIOUS
RELIGIOUS ILL-FEELING TO A DANGEROUS DEGREE.
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